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Message Text

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21
ORIGIN PM-04

INFO OCT-01 EA-07 ISO-00 DODE-00 NSC-05 SP-02 SS-15

CIAE-00 INR-07 NSAE-00 L-03 /044 R

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APPROVED BY PM/ISO:GCHURCHILL
OASD/ISA:SGOLDSMITH
EA/PHL:BFLECK
---------- 008291
R 162048Z OCT 75
FM SECSTATE WASHDC
TO AMEMBASSY MANILA
INFO CINCPAC
CINCPACAF
CINCPACREPPHIL
13 AF
MAC SCOTT AFB/DO/CGPA
22 AF TRAVIS/DO/LGPA

C O N F I D E N T I A L STATE 246196

E.O. 11652: GDS

TAGS: EAIR, MARR, RP

SUBJECT: MAC CHARTER AIRCRAFT - GOP REQUEST FOR DIPLOMATIC CLEARANCE

REFS: (A) MANILA 14154; (B) MANILA 13537

1. PROCEDURES DESCRIBED IN PARA 2 REF A APPEAR TO CONSTITUTE SATISFACTORY RESOLUTION OF MAC CHARTER CLEARANCE PROBLEM, EXCEPT FOR LABELING LETTER TO PHIL AUTHORITIES AS REQUEST FOR DIPLOMATIC CLEARANCE. SUCH A LABEL IMPLIES THAT PHIL AUTHORITIES HAVE RIGHT TO APPROVE OR DENY LANDING OF MAC CHARTER AIRCRAFT AT US BASES. IN IMPLEMENTING NEW PROCEDURES, THEREFORE, EMBASSY AND BASE AUTHORITIES SHOULD BE CAREFUL TO MAINTAIN USG POSITION
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THAT, ALTHOUGH NOT SPECIFICALLY REFERRED TO IN ARTICLE IV

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OF MBA, LONGSTANDING PRACTINE OF BOTH GOVERNMENTS IN IMPLEMENTING MBA HAS BEEN TO TREAT MILITARY CHARTER AIR-CRAFT AS BEING WITHIN SCOPE OF ARTICLE IV. MOREOVER, IT IS OUR UNDERSTANDING THAT EXPRESS LANGUAGE COVERING CHARTER AIRCRAFT CONTAINED IN DECEMBER, 1971 TECHNICAL PANEL DRAFT OF ARTICLE IV WAS AGREED BY BOTH SIDES PRIOR TO SUSPENSION OF NEGOTIATIONS, AND THAT ONLY REMAINING ISSUE WAS PROVISION ON FEES AND OTHER CHARGES AT PHIL PORTS AND CIVIL AIRPORTS.

2. IN FUTURE DISCUSSIONS WITH PHIL AUTHORITIES ON MAC CHARTER CLEARANCE PROCEDURES, EMBASSY SHOULD AVOID USE OF WORDS ,FULL OPERATIONAL CONTROL" IN DESCRIBING RELATIONSHIP OF US ARMED FORCES AND CHARTER AIRCRAFT. EXCEPT WHEN OPERATING IN COMBAT ZONES, U.S. MILITARY AUTHORITIES DO NOT CONTROL FLIGHT OPERATIONS OF CHARTER AIRCRAFT. UNDER NORMAL CIRCUMSTANCES CHARTER AIRCRAFT OPERATE AS ANY OTHER INDEPENDENT CONTRACTOR. THE CENTRAL POINT TO BE EMPHASIZED IS THAT THESE AIRCRAFT ARE OPERATING FOR THE US ARMED FORCES IN THE PERFORMANCE OF AIRLIFT MISSIONS ESSENTIAL TO THE OPERATIONS OF THE US FORCES IN THE PHILIPPINES, AND GUARANTEED ACCESS TO U.S. BASES IS THEREFORE REQUIRED.
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